IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION No : 16251 of 2006

Dated 30th August, 2006

Between
Mohd. Shoaib Ali

… Petitioner

And

The State of Andhra Pradesh,
Represented by its Principal Secretary,
Health, Medical, Family Welfare (E1)
Department, Secretariat Buildings,
Hyderabad and others.

…Respondents.

ORAL ORDER:

The petitioner has completed his Intermediate course, appeared for EAMCET-2006 and secured the rank of 1370 in the medical stream. He belongs to muslim minority community, and, at the first instance, on his application, he was admitted to B.D.S. course and allotted to Government Dental College. However, when the third respondent, an unaided minority medical college, had notified, the petitioner had applied for admission, and, though the petitioner figured in the merit list, but because he had not produced the necessary original certificates, he was not granted admission.

It is the case of the petitioner that as much as the petitioner was allotted a seat in Government Dental College pursuant to counselling notified by the Dr.NTR University of Health Sciences, he has submitted all his original certificates to the said college. In that view of the matter, it is obligatory on the part of the respondents 1, 2 and 4 to see that the petitioner gets admission without producing the original certificates in the third respondent-college.

But, however, counter affidavit is filed by the third respondent-college stating that the admissions are made following the procedure prescribed in the rules framed under G.O.Ms.No.272, dated 10.7.2006, in exercise of the powers conferred under Section 3 and 15 of the Andhra Pradesh Educational Institutions (Regulation of Admissions and Prohibition of Capitation Fee) Act, 1983. Rules 6(a)(iii) and (iv) of the said rules read thus:

" (iii) The candidates who are qualified to seek admission as a consequence of obtaining ranking in the Common Entrance Test and desires of seeking admission into the Unaided Minority Professional Institutions shall make application to the Management of the Minority

Institution enclosing all the relevant documents including a copy of rank card issued. The application shall be acknowledged.

(iv) The Management of the Minority Institutions shall scrutinize all the applications received from the candidates, after such scrutiny the Management of the Minority Institutions shall prepare the following merit list namely:-

(a) Merit list containing the names of the concerned minority candidates arranged in the order of merit ranking assigned to them in the Common Entrance Test.

(b) In case of same rank being obtained by more than one candidate, the marks obtained in Physics, Chemistry, Botany and Zoology shall be reckoned.

(c) In case of a further tie, the older candidate shall be given the higher place in the merit list."

It is further stated in the counter affidavit that as the petitioner did not produce the original certificates during counselling conducted by the third respondent-college, he was not allotted the seat, and, the counselling was continued further and was completed, and, all the seats were filled up and there are no vacancies available.

As per the above rules, it is obligatory on the part of the applicants to seek admission by enclosing all the relevant documents in original. It appears that the requirement of production of originals is made compulsory to avoid admissions in various courses simultaneously. As much as the petitioner was already admitted to the BDS course in Government Dental College, and, has submitted his originals, while continuing in the said course, he cannot seek for admission in the 3rd respondent-college without production of the certificates. In case, the petitioner intends to seek admission, he has to seek cancellation of admission in B.D.S. course, take back his certificates and apply afresh. But, in view of the Andhra Pradesh Un-aided Minority Professional Institutions

(Regulation of Admissions into Under-Graduate Medical and Dental Professional Courses) Rules, 2006, only on the ground that the petitioner has produced his originals to the University during counselling for admission to B.D.S. course, he cannot seek any admission without production of the said certificates in the third respondent-college, and, if the same is allowed, it would be contrary to the rules framed under G.O.Ms.No.272 supra. That apart, on failure to produce the original certificates during the counselling conducted by the third respondent-colleges, the seat was allotted to the candidate next in the order of ranking, and, all the seats are stated to have been filled up. In that view of the matter, I do not find any ground to grant the relief sought for.

The writ petition is devoid of any merits and the same is accordingly dismissed. No costs.

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30.8.2006 **(R.SUBHASH REDDY, J.)**

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Note:
Issue cc in two days.
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